

U.S. EPA REGION 6

Tar Creek Superfund Site
Chat Marketing Seminar
June 29, 2010





MEMORANDUM OF UNDERSTANDING REGARDING SALES OR DISPOSAL OF CHAT



Enables EPA and DOI to work collaboratively within the scope of their respective authorities to facilitate, and in the case of the DOI, approve, as appropriate, the sale of chat in which individual Indians have a property interest and the disposition of chat that is located on restricted or trust Indian land where such sale is in the best interest of the Indian landowners and chat owners and is in accordance with the February 20, 2008, Record of Decision for the Tar Creek Superfund Site Operable Unit 4 ("ROD").

Appendix A – Chat Excavation and Relocation Agreement

Enables EPA to remove Distal Chat from property for consolidation or disposal.

Appendix B – Access Agreement

Permits EPA access to restricted Indian land for purposes listed therein and include sampling.



MEMORANDUM OF UNDERSTANDING REGARDING SALES OR DISPOSAL OF CHAT (Continued)



Appendix C – Liability Protection under CERCLA

Provides Indian Chat and Land Owners in distal areas protection

Appendix D – Liability Protection under CERCLA

Provides Indian Chat and Land Owners of 16 major piles protection

Appendix E – Chat Sales Agreement

DOI's Agreement that will be used for Purchasers of an Indian Chat Pile

Appendix F – Business Site Lease

Standard DOI/BIA form that allow those who own chat located on restricted land to sell the chat

Appendix G – Model Site Operations Plan

Sample of Operations Plan for Chat Processors



OU 4 Remedy Overview



Phase 1 (Yr 1-17)

- Voluntary Relocation
- Chat Sales
- Remove chat from distal areas (Fall 2009)
- Remove bases/piles from outlying areas
- Remove and manage chat from streams
- Prevent runoff from piles
- Excavate tailing ponds and inject into mine workings or cover

(Yr 1-25)

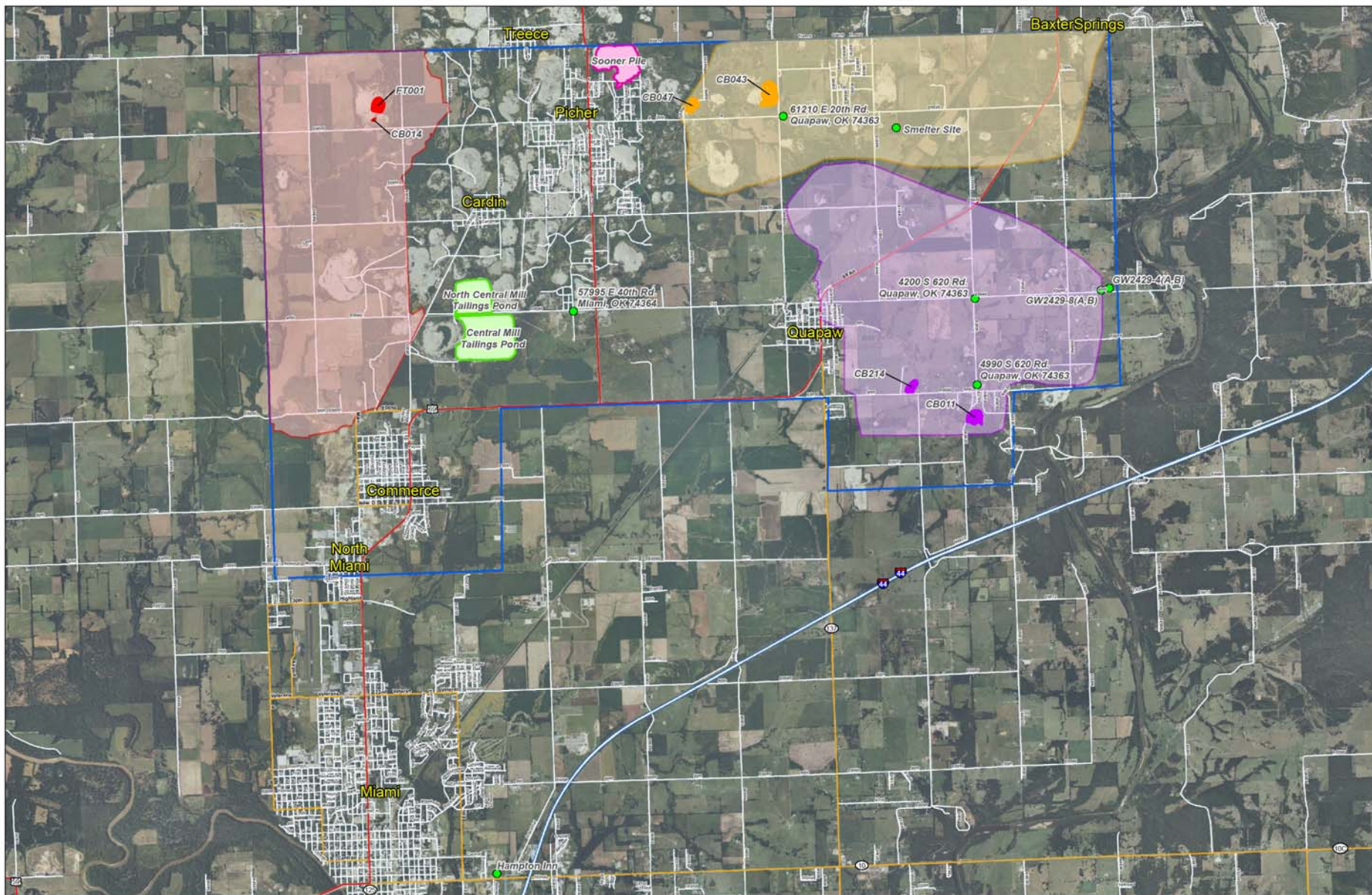
- Chat Sales of core piles

Phase 2 (Yr 26-30)

- Chat Sales
- Remove and manage remaining non-marketable chat
- Institutional Controls for repositories and covered ponds

Commercial use of Chat (2007 – Present)

- Provide support and evaluate progress of chat sales



Legend

- Elm Creek Distal Zone
- NE Distal Zone
- SE Distal Zone
- Tar Creek OU4 Site Boundary



Figure X
Site Visit Locations
 Tar Creek Superfund Site
 Operable Unit No. 4
 Ottawa County, Oklahoma



CHAT REUSE CHARACTERIZATION



Chat Available from the Tar Creek Superfund Site

Chat in piles and bases within the Tar Creek Superfund Site has been sampled and the results are available for viewing at the links provided below. Please visit this website often; results will be added as they become available.

If you are interested in purchasing from the chat owners any of the chat described below, please send an email to US EPA Region 6 contractor [CH2M HILL](#) for more information.

If you would like to receive an email notification when chat pile/base results are added to this website, please email us with your request by clicking [here](#).

Please note: all chat purchased must be used in accordance with the Chat Rule, a copy of which is available on the US EPA Region 6 [Tar Creek website](#).

Click on the following chat pile (CP) or chat base (CB) name to view the results of sieve and total lead analyses from samples collected, the estimated volume of chat available, and a location map. When you email us, please include the specific chat base or pile name.

You will need Adobe Acrobat Reader, available as a free download, to view these files. For the free download, visit [the Adobe Acrobat Reader website](#)



CHAT REUSE CHARACTERIZATION (Continued)



Results available March 9, 2010

| | | | | |
|--|----------------------------|----------------------------|----------------------------|----------------------------|
| CB015 | CB024 | CB044 | CB046 | CB048 |
| CB053 | CB143 | CB146 | CB147 | CB216-1 |
| CB216-2 | CB221 | CB223 | CB226 | CB227 |
| CB229 | CB230 SOLD | CB232 SOLD | CB233 SOLD | CB234 SOLD |
| CB235 SOLD | CB239 SOLD | CP054 | CP088 | CP089 |
| CP092 SOLD | CP093 SOLD | CP094 SOLD | CP104 SOLD | |
| <p><i>You will need Adobe Acrobat Reader, available as a free download, to view these files. For the free download, visit the Adobe Acrobat Reader website</i></p> | | | | |



CHAT REUSE CHARACTERIZATION (Continued)



| Results available June 14, 2010 | | | | |
|---|-----------------------|-----------------------|-----------------------|----------------------------|
| CB141 | CB142 | CB148 | CB150 | CB152 |
| Results available June 4, 2010 | | | | |
| CB214 | CB215 | CB217 | CB219 | CB220 |
| Results available May 26, 2010 | | | | |
| CP099 | | | | |
| Results available May 24, 2010 | | | | |
| CB156 | CB228 | CB237 | | |
| Results available May 19, 2010 | | | | |
| CB029 | CB134 | CB138 | CB157 | CB231 |
| CP058 | CP059 | CP090 | CP091 | CP098 SOLD |
| CP100 | | | | |
| You will need Adobe Acrobat Reader, available as a free download, to view these files. For the free download, visit the Adobe Acrobat Reader website | | | | |

For more information about the Tar Creek Superfund Site, please visit the US EPA Region 6 [Tar Creek website](#) or send an email to Ursula Lennox/US EPA Region 6 Remedial Project Manager at Lennox.Ursula@epa.gov



Chat Rule



- The Chat Rule (72 Fed. Reg. 39235 - July 18, 2007)
- Tri-Site Mining District Chat mining Waste Fact Sheet (June 2007)
- Reporting Requirements
 - Record Keeping Requirements
 - Off-site Rule
- Permits

NOTE: Additional information on the Chat Rule and Chat Sales Resource Tools is available at:

http://www.epa.gov/region6/6sf/oklahoma/tar_creek/index.htm



Certification and Recordkeeping Requirements



To ensure that Site chat sales continue and that chat is used in a manner that is protective of human health and the environment, under all of the remedial alternatives considered by the U.S. Environmental Protection Agency (EPA), except the no further action alternative, all Site chat that is used, on-site or off-site, must be managed according to the criteria provided in the Chat Rule, 40 Code of Federal Regulations (CFR) Part 278, and its preamble. This means that EPA is including both the regulations that apply to transportation construction projects and the preamble guidance that applies to non-transportation, non-residential projects as requirements for the use of Site chat. Under the remedy selected in the Record of Decision (ROD), only the uses described in the preamble (including EPA's June 2007 fact sheet; EPA530-F-07-016B) and the transportation construction project uses described in 40 CFR Part 278 will be allowed for Site chat.



Recordkeeping Requirements (Continued)



Recordkeeping

- The acquirer of chat, and any other person that receives the chat, will maintain copies of all of the following for three years (a) a copy of the certification following transmittal to the State department(s) of the environment, and, as appropriate, (b) any SPLP testing results, or (c) any site-specific risk assessments.

Transfer

- If the chat is sold or otherwise transferred to another party, the acquirer shall provide a copy of the certification to the new owner of the chat. The new owner shall submit a certification according to (40 CFR §278.4(a)(1)). The new certification supersedes all previous certifications.



CHECKLIST

Tools that are Available on the Compact Diskette



GENERAL INFORMATION TOOLS

- Chat Rule
- Chat Rule Fact Sheet
- OU4 Record of Decision
- OU4 RA Update and Seminars Bulletin
- Questions and Answers
- Example of Certification Letter
- Off-Site Rule Brochure
- CERCLA Receiver Needs
- Request - I Want to Hear From You

TOOLS FOR INDIAN CHAT SALES

Appendices A – G, reflect model documents that will be used by EPA and DOI to help facilitate the sale of chat in which individual Indians have a property interest and the disposition of chat that is located on restricted or trust Indian land where such sale is in the best interest of the Indian landowners and chat owners and is in accordance with the February 20, 2008, Record of Decision ("ROD") for the Tar Creek Superfund Site Operable Unit 4 (OU4).

- Appendix A – Chat Excavation and Relocation Agreement
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- Appendix B – Access Agreement
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Tools that are Available on the Compact Diskette (Continued)



- Appendix C – Liability Protection under CERCLA or “Settlement Agreement”
Provides Indian Chat and Land Owners in distal areas protection
- Appendix D – Liability Protection under CERCLA or “Settlement Agreement”
Provides Indian Chat and Land Owners of 16 major piles protection Appendix E – Chat Sales Agreement
DOI’s Agreement that will be used for Purchasers of an Indian Chat Pile
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STATE SPECIFICATIONS

- KSDOT Specs – Asphalt Aggregates – 1103
- KSDOT Specs – Microsurfacing or seals and modified seals – 1109
- KSDOT Specs – Multi-layer Polymer Overlay – 07-11004r02
- MODOT Requirements for Material – Sec 1001



Chat Processing and Sales



Working together collectively can make a difference

www.epa.gov/region6/6sf/pklahoma/tar_creek

